

REMARKS

This amendment is submitted to correct an error in the specification.

More specifically, the paragraph beginning at page 2, line 12, has been amended to remove an inadvertent mischaracterization of the prior art. That paragraph describes U.S. Patent No. 5,943,841 to Wünscher, which discloses a commissioning system for processing stock orders. The paragraph has been amended to remove the last two sentences, where it is stated that, using the system disclosed in the '841 patent, "orders may be fulfilled and delivered according to completion time rather than taken in sequence as received by the computer."

At the time of filing of the application, applicants and their attorney believed that this was an accurate description of the '841 patent system. Upon further study, however, applicants now believe that the '841 patent does not disclose or suggest a system for fulfilling orders according to completion time, and therefore the statement to the contrary in the originally filed specification is inaccurate. Support for this interpretation may be found throughout the '841 patent.

The '841 patent discloses a manual commissioning system 2 having a central conveyor 3. A plurality of containers 14 are positioned adjacent the conveyor 3 and are grouped in a plurality of commissioning regions assigned to respective stock commissioners. A plurality of shelves 16 for storing stock items are positioned near the conveyor 3 and are also divided into commissioning regions. The stock commissioners are equipped with radio frequency terminals 37 operatively coupled to a control computer 29 connected to a main computer 30.

In operation, orders are received by the main computer 30 and converted into commissioning orders. The control computer 29 communicates the commissioning orders to the commissioners via the terminals 37. As directed by the commissioning orders, the commissioners take products from the shelves 16 and deposit them in one or more containers 14. When the control computer receives confirmation that all parts of an order are placed in one or more containers 14, the specific containers holding the order are actuated to discharge onto the same section of the conveyor 3 as it advances, thereby aggregating a complete order.

In carrying out the commissioning process, the '841 patent teaches that orders should be fulfilled in the sequence conveyed to the commissioners. For example, at column 7, lines 12-15, the '841 patent states that, "A certain distribution of the orders to

the individual commissioners A to F ensures the making ready of the finished orders in the desired, pre-determinable sequence.” (emphasis added) To set the pre-determined sequence, orders “are numbered according to the required processing sequence in successively rising numbers, whereby also their priority of processing is determined.” (Column 7, lines 18-13)

In order to fulfill orders in this pre-determined sequence, commissioners are assigned primary and secondary regions. While a commissioner’s primary responsibility is to his or her primary region, he or she may be directed to a secondary region (i.e., a neighboring commissioner’s primary region) if the highest priority commissioning order is in that secondary region. (Column 8, lines 44-60) Accordingly, the commissioners are directed to complete the current customer order, even if the remaining items are not in their region of primary responsibility, rather than beginning work on the next customer order. The reason for completing entire orders in sequence, according to the ‘841 patent, is to conserve the number of commissioning containers 14 needed for the system (Column 9, lines 5-7).

The ‘841 patent does acknowledge that “urgent” orders may be processed out of sequence by giving the urgent order a higher priority than earlier received orders (Column 2, lines 50-52). It is clear, however, that such orders, once they are prioritized by the control computer 29, are fulfilled by the commissioners in sequence, since the commissioners must complete their current order portions before beginning the urgent order (Column 2, lines 52-55).

In view of the foregoing, applicants submit that the present specification, as filed, inaccurately described the ‘841 patent in stating that that system fulfills orders “according to completion time rather than taken in sequence.” This mischaracterization was inadvertent, and applicants now request that the above amendment to the specification be entered to remove this error.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned “Version with markings to show changes made.”

It is submitted that all pending claims are in good and proper form for allowance. A favorable action on the part of the examiner is respectfully solicited.

If, in the opinion of the examiner a telephone conference would expedite prosecution of the subject application, the examiner is invited to call the undersigned attorney.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
(312) 474-6300

By: Brent E. Matthias
Brent E. Matthias
Registration No.: 41,974

January 30, 2002

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

The paragraph beginning at page 2, line 12, has been amended as follows:

A semi-automatic commissioning system is disclosed in U.S. Patent No. 5,943,841. This system uses a central conveyor positioned next to a plurality of racks for holding products. A plurality of intermediate containers are positioned above the conveyor belt for temporarily receiving products from the racks. Each container has a hinged bottom, and includes a light and a quitting switch. Stock workers are assigned to sections of the racks for transporting products from the racks to the containers. Each stock worker wears a terminal which displays the selected product and quantity to be picked. A computer is operably connected to the terminals and the containers for directing the stock workers to pick the products. In operation, each stock worker consults the terminal to determine the selected product and quantity for a current picking operation. The computer also illuminates a light associated with the desired container into which the current pick will be deposited. As a result, each stock worker may fulfill portions of several orders by placing the products in the indicated containers as directed by the computer. Once all of the portions of an order are deposited in various of the containers, the computer controls the containers so that they discharge their contents at substantially the same section of the advancing conveyor, thereby grouping together a complete order. [In the semi-automatic system, therefore, the orders may be fulfilled and delivered according to completion time rather than taken in sequence as received by the computer. The semi-automatic system is inefficient, however, in requiring the stock workers to consult the terminals during each picking operation.]